

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTONIO HENRY,

Plaintiff,

Civil Action No.
21-CV-10216

vs.

HON. MARK A. GOLDSMITH

ALLSTATE INSURANCE COMPANY,

Defendant.

/

ORDER
GRANTING PLAINTIFF'S MOTION TO COMPEL (Dkt. 19)

Plaintiff Antonio Henry filed a motion to compel production of unredacted claim file (Dkt. 19). Defendant Allstate Insurance Company failed to file a response to this motion. The failure to file a response constitutes a forfeiture or waiver of any argument in opposition. See Brown v. VHS of Mich., Inc., 545 F. App'x 368, 372 (6th Cir. 2013) (holding that a party abandons a claim by not responding to an argument made in summary judgment motion); Humphrey v. U.S. Att'y Gen.'s Off., 279 F. App'x 328, 331 (6th Cir. 2008) (holding that a party waives any challenge to an argument made in a motion to dismiss by failing to respond to it); Brown v. Gojcaj Foods, Inc., No. 09-14537, 2011 WL 1980533, at *3 (E.D. Mich. May 20, 2011) ("If a party fails to respond to an argument raised in a motion the court can assume that opposition to the motion is waived and the motion may be granted."). In any case, the motion sets forth good grounds for the conclusion that the unredacted claim file is discoverable. Accordingly, Plaintiff's motion (Dkt. 19) is granted. Defendant must produce the unredacted claim file by October 1, 2021.

SO ORDERED.

Dated: September 24, 2021
Detroit, Michigan

s/ Mark A. Goldsmith
MARK A. GOLDSMITH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 24, 2021.

s/Jennifer McCoy
Case Manager